

ADVISORY OPINION 96-001

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

February 21, 1996

Mr. Gary L. Dennis  
Oldham County Democratic Party Executive Committee  
8905 Adrienne Way  
Louisville, Kentucky 40245

Dear Mr. Dennis:

This is in response to your January 19, 1996, letter requesting an advisory opinion regarding whether the Oldham County Democratic Executive Committee, a ("committee") as defined by KRS 121.015(3)(d) may accept a maximum of \$2,000 in anonymous cash contributions per calendar year rather than per election. You state that your Committee operates a booth at the local county fair in July as its only fundraising event. During 1995, your Committee realized cash receipts of \$1,649.61 during the regular election reporting period thereby exceeding the \$1,000 limit for anonymous cash contributions per election by \$649.61. As the timing of your only fundraising event occurs during the regular election reporting period, you request that the Registry interpret KRS 121.150(3) to allow your Committee's anonymous cash contributions to be computed on an annual rather than per election basis.

Although we appreciate your problem, the word "election" is defined by KRS 121.015(2) as "any primary, runoff primary, regular, or special election to fill vacancies. ...[and] Each primary, runoff, primary, regular, or special election shall be considered a separate election." Likewise, the election finance statements which are filed by candidates and committees and the reporting periods associated with each are tied to an election rather than a particular date or time period.

KRS 121.150(3) provides that:

No candidate, slate of candidates, committee, or contributing organization, nor anyone acting on their behalf shall accept anonymous contributions in excess of one thousand dollars (\$1,000) in the aggregate in any one (1) election. Anonymous contributions in excess of one thousand dollars (\$1,000) in the aggregate which are received in any one (1) election shall escheat to the state and be transferred to the election campaign fund. (Emphasis added)

Based upon the statutory definition of "election" in KRS 121.015(2), we are unable to interpret KRS 121.150(3) to permit your committee to compute its total amount of contributions annually rather than per election.

If you have further questions, please feel free to contact the Registry at (502) 573-2226.

Sincerely,

Rosemary F. Center  
General Counsel

RFC/db